

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.24242 of 2008
1. MD. RIYAZUL @ KARI @ REYAZUL
2. MD. EKRAMUL @ MD. EKAMUL @ IKARAMUL
Versus
STATE OF BIHAR

5. 07.11.2008 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioners apprehend arrest in a Police case under Sections 386 and other provisions of the Penal Code.

The submission is that the parties are known to each other. For skirmish between them both sides have lodged cases against each other. The allegations under Sections 386 and 379 of the Penal Code were therefore ornamental which were found to be untrue during investigation. It is, however, fairly conceded that the other co-accused from the side of the present informant has been enlarged on regular bail in the prosecution lodged by the side of the petitioners apart from grant of regular bail to some of the other co-accused in the present prosecution.

In the fitness of things when both sides have lodged prosecution against each other, being known to each other, and the co-accused in the counter case have been enlarged on regular bail, this Court considers it proper to reject this application with the observation that any application for regular bail on their behalf shall be considered in accordance with law appropriately including grant of regular bail to other co-accused in the counter case as also to co-accused in the present prosecution without being prejudiced by the present order.

AKS/

(Navin Sinha, J.)